

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZEBULON ENTERPRISES, INC.,)	
)	
Plaintiff,)	Case No. 1:19-cv-05165
v.)	
)	Honorable Elaine E. Bucklo
DuPAGE COUNTY, ILLINOIS, an)	United States District Judge
Illinois Governmental Entity,)	
)	Honorable Jeffrey Cole
Defendant.)	United States Magistrate Judge

AGREED STIPULATION TO DISMISS

IT IS HEREBY STIPULATED by and between Plaintiff, ZEBULON ENTERPRISES, INC. and Defendant, COUNTY OF DUPAGE, as follows:

WHEREAS Plaintiff Zebulon Enterprises, Inc. has brought this action challenging the constitutionality of the County of DuPage's adult-entertainment ordinance, AHAB-O-0031-19, as violative of Zebulon's rights under the First and Fourteenth Amendments as well as under the Illinois Constitution; and

WHEREAS, the parties have come to an agreement to settle each and every of Plaintiff's remaining claims pending herein; and

WHEREAS, Plaintiff hereby stipulates and agree to the dismissal of all remaining claims pending herein, pursuant to the parties' settlement agreement and WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with such dismissal automatically converting to WITH PREJUDICE on December 31, 2029 absent any further movement by the parties.

WHEREFORE, the parties respectfully request that this honorable court enter an order dismissing this matter in whole without prejudice

Dated: January 10, 2023

PLAINTIFF:

ZEBULON ENTERPRISES, INC.,

By: /s/ Clyde DeWitt
Clyde DeWitt
(Admitted *Pro Hac Vice*)
Nevada State Bar No. 9791
California State Bar No. 117911
Texas State Bar No. 05670700
Counsel for Plaintiff
Law Offices of Clyde DeWitt
A Nevada Corporation
2300 W. Sahara Ave., Suite 800
Las Vegas, NV 89102
702-386-1756
clydedewitt@earthink.net

DEFENDANT:

DuPAGE COUNTY, ILLINOIS, an
Illinois Governmental Entity,

By: /s/ Nicholas V. Alfonso ¹
NICHOLAS V. ALFONSO
Nicholas V. Alfonso
Assistant State's Attorney (#6316520)
Counsel for Defendant
DuPage County State's Attorney's Office
503 N. County Farm Rd.
Wheaton, Illinois 60187
630-407-8208
Nicholas.Alfonso@dupageco.org

¹ Signature approved by email on this date.

CERTIFICATE OF SERVICE

I certify that on the date of filing of the forgoing document, as reflected on the header inserted by the court's ECF/PACER system, a true and correct copy of it is being served upon each attorney of record in the above-captioned matter; and the original upon the Clerk of Court by way of the courts ECF/PACER system.

Signed this date: January 10, 2023

By: s/ Clyde DeWitt

Clyde DeWitt